IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 17626 of 2004

Between:

GAYATRI NAGAR WELFARE ASSOCIATION,

represented by its President P. Venkatatappaiah,
S/o. Late P. Ranganatha Swamy, R/o. Plot No. 77,

Gayatrinagar Colony,
Boduppal, Ranga Reddy District.

..... PETITIONER

AND

1. The District Collector, R.R.District.
2. The Mandal Revenue Officer, Ghatkesar Mandal, R.R.District.
3. Secretary, Bodduppal Gram panchayat, Boduppal Village,
   Ghatkesar Mandal, R.R.District.

.....RESPONDENTS

The Court made the following:

ORDER:

-

This writ petition has been filed by the petitioner-Gayatri Nagar Welfare Association, complaining the inaction of the respondents in preventing the villagers of Boduppal village from using the Government land admeasuring Ac.0.27 guntas in Survey

No.192 of Boduppal village as burial ground.

P. Venkatappaiah, the President of the Petitioner Association has given his sworn affidavit filed in support of the writ petition. It is stated in the affidavit that the extent of Ac.0.27 guntas is a Government poramboke land and the villagers of Boduppal Gram Panchayat have been using the said land as burial ground unauthorisedly. It is also further stated that the Petitioner Association submitted representations to the respondents several times so as to prevent the villagers from using the Government land as burial ground. As there is no action on the part of the respondents, the petitioner Association has chosen to approach this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

A counter affidavit has been filed by the second respondent. It is stated in the counter affidavit that Ac.0.27 guntas in Survey No.192 of Boduppal village is 'Sarkari Poramboke'. As per the Sharas (Remarks) of 1996-97, the land in Survey No.192 is allotted to be used as a burial ground and the villagers of Boduppal are using the said land for burial and cremation of dead bodies. I deem it appropriate to refer the relevant portion of the counter-affidavit and it is thus:

> *"At the outset, it is to be submitted that as per the revenue records, an extent of Ac.0.27 guntas in Survey No.192 of Boduppal village has been recorded as 'Sarkari Poramboke'. As per the Sharas (Remarks) of 1996-97, the land in Survey No.192 is allotted to be used as a burial ground and the villagers of Boduppal are using the land for burial and cremation of dead bodies. On the request of the villagers during the period of 'Prajalavaddaku Palana' and Revenue Sadassulu, the land admeasuring Ac.0.27 guntas in Survey No.192 was demarcated and handed over by the Mandal Revenue Officer, to the Sarpanch. The Mandal Revenue Officer also sent proposals on 19.12.1998 to the District Collector, Ranga Reddy to issue necessary orders for entering the said extent in various Records i.e. in POB and Pahanies. On the representation given by the President of Gayatri Nagar Welfare Association, the Mandal Revenue Officer, Ghatkesar Mandal enquired into the matter and submitted report dated 07.07.2004 to the District Collector, Ranga Reddy. During the local enquiry, it is revealed that the said land in Survey No.192 is being used as burial grounds since long time, even before the residential houses have come up in the colony and during the Prajalavaddaku Palana and others Gram Sabhas, the villagers requested for allotment of Government land for*

the purpose of burial ground as they are using the same since long time. The petitioner's society was registered recently in 2002. In fact during the enquiry, it is revealed that the residents of Dwarakanagar, Hemanagar and Balajinagar Colony residents are not willing to shift the burial ground from the land in Survey No.192. In view of the increasing population of the village by day by day, the requirement for burial ground is more and more, as such the villagers cannot be prevented from using the said land as burial ground. The residents of the other colonies of the village have been requesting the authorities to continue the Government land burial ground. If the villagers are not allowed to use the Government land as burial ground, it may cause lot of inconvenience to the villagers."

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents.

The learned counsel for the petitioner submitted that the land in Survey No.192 is a Government land and the same is being used as burial ground unauthorisedly by the villagers of Boduppal village.

It appears that the petitioner Association has submitted a representation to the District Collector-first respondent complaining the using of the land unauthorisedly as burial ground.

In that view of the matter, I deem it appropriate to dispose of the writ petition directing the first respondent to consider the representations of the petitioner-Association and pass appropriate orders within a period of two (2) months from the date of receipt of a copy of this order.

Subject to the above observation, the writ petition is disposed of. No costs.

(B. SESHASAYANA REDDY, J)

Date: 17.10.2005

Ksn